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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,237	01/15/2002	David Ben-Eli	MP1448 (130203)	6370
64331	7590	08/06/2007		
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			EXAMINER PEREZ, ANGELICA	
			ART UNIT 2618	PAPER NUMBER
			MAIL DATE 08/06/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/050,237	<b>Applicant(s)</b> BEN-ELI, DAVID	
	<b>Examiner</b> Angelica M. Perez	<b>Art Unit</b> 2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-14, 16, 18-29 and 31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-14, 16 and 18-23 is/are allowed.
- 6) ☒ Claim(s) 24-29 and 31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Allowable Subject Matter***

1. Claims 1-14, 16 and 18-23 are allowed.

***Response to Arguments***

2. Applicant's arguments filed 4/23/2007 have been fully considered but they are not persuasive.

Claim 24 does not indicate where the larger window corresponds to a full window size, as presented in page 10 of the remarks. Therefore, given a broad reasonable interpretation, the prior art of record teaches where a window can be adjusted to a smaller/larger size depending on the results of energy detection. Please, see the rejection below.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 24-29 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rick et al. (Rick, US006738438B2) in view of Bayley (Bayley, Gwain; US Patent No.: 6,775,252 B1).

Regarding claim 24, Rick teaches of a method for searching for a base station from a mobile communicator, comprising: first searching for the base station using a large search window size (column 8, lines 24-36; where the original size is the original full size, large, and it is reduced later); determining a new search window size to search for the base station based on a result of the first searching; determining whether significant received energy was detected during the first searching that was outside of a first search window (column 12, lines 41-46), and setting the new search window size equal to the size of the first search window when significant received energy was not detected outside of the first search window (column 12, lines 41-46); and second searching for the base station using the new search window size (columns 7 and 8, lines 57-57 and 1-4, respectively; where the window size is changed according to "dynamic change in the network condition" and the process is iterated).

Rick does not specifically teach where the first search window having a size that is smaller than the large search window size.

Bayley teaches where the first search window has a size that is less than the large search window size (columns 15 and 16, lines 55-67 and 1-7; where the size window are decreased/increased according to energy detected, including making it larger).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Rick's adaptable search size window with Bayley's dynamic adjustment of search window size in response to signal strength, as taught by Bayley.

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Regarding claim 25, Rick and Bayley teach all the limitations of claim 16. Rick further teaches where second searching includes searching for the base station using the new search window size for a first time duration (column 8, lines 38-46; where the default window size has an estimated. Also, column 3, lines 20-27; where the search cycle time is reduced; implying a first determined cycle time and a second reduced cycle time).

Regarding claim 26, Rick and Bayley teach all the limitations of claim 25. Rick further teaches repeating first searching, determining, and second searching after the first time duration has elapsed (column 8, lines 38-46; where the default window size has an estimated time. Also, column 3, lines 20-27; where the search cycle time is reduced; implying a first determined cycle time and a second reduced cycle time).

Regarding claim 27, Rick and Bayley teach all the limitations of claim 26. Rick further teaches adapting a length of the first time duration over time based on a predetermined criterion (column 8, lines 38-46; where the criteria can be a default window size).

Regarding claim 28, Rick and Bayley teach all the limitations of claim 24. Rick further teaches where determining a new search window size includes selecting one of a plurality of predetermined search window sizes (column 11, table 1; where the window sizes are predetermined).

Regarding claim 29, Rick and Bayley teach all the limitations of claim 24. Rick further teaches where determining a new search window size includes determining a

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size that will encompass a delay spread associated with the base station (column 8, lines 38-46; where delay is considered for determining the window size).

Regarding claim 31, Rick and Bayley teach all the limitations of claim 24. In addition, Rick teaches of a mobile communicator that is programmed to search for one or more base stations (figure 1, items 102A-102-C and column 4, lines 35-42).

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angelica Perez whose telephone number is 571-272-7885. The examiner can normally be reached on 7:00 a.m. - 3:30 p.m., Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on (571) 272-4177. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and for After Final communications.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either the PAIR or Public PAIR. Status information for unpublished applications is available through the Private PAIR only. For more information about the pair system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). Information regarding Patent Application Information Retrieval (PAIR) system can be found at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2600's customer service number is 703-306-0377.

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Angelica Perez  
Examiner



MATTHEW ANDERSON  
SUPERVISORY PATENT EXAMINER

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August 1, 2007